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March 4, 2024

VIA ECF

Honorable Paul G. Gardephe
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 2104
New York, NY 10007

Re: Emigrant Bank, et al. v. SunTrust Bank, et al., No. 1:20-cv-02391-PGG-OTW

Dear Judge Gardephe:

We represent Plaintiffs Emigrant Bank and Pacific Mercantile Bank (“Plaintiffs”) and write in response to Defendants SunTrust Bank and Truist Bank’s (collectively, “SunTrust”) February 28, 2024 motion to seal (ECF No. 159).

Exhibits A and C to SunTrust’s response to Plaintiffs’ pre-motion letter regarding Plaintiffs’ anticipated motion for summary judgment are the reports of Plaintiffs’ experts Mark Rule and Ben Sheppard (together, the “Expert Reports”). Plaintiffs designated the Expert Reports “Confidential” under the Protective Order (ECF No. 75) because they contain information from documents and testimony designated Confidential by Plaintiffs, SunTrust and non-party Virgo Investment Group LLC (“VIG”). If SunTrust and VIG agree that the material cited within these reports are no longer Confidential, then Plaintiffs have no objection to the Expert Reports being filed publicly. Plaintiffs echo SunTrust’s position (ECF No. 159 at 1-2) that the VIG documents cited in the Expert Reports relate to a transaction that is nearly a decade old and primarily reflects the finances and management of two entities that are now bankrupt. The Court should deny any motion by VIG to keep such documents and information under seal. Plaintiffs take no position on the motion to seal Exhibit E.

Respectfully submitted,

/s/ Corey Worcester
Corey Worcester

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